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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 24 January 2000 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office and Other International Organizations in Geneva presents its compliments to the United Nations High Commissioner for Human Rights, Mrs. Robinson, and has the honour to transmit the attached letter from Mr. Mohammed al-Douri, Permanent Representative of the Republic of Iraq to the United Nations Office (Arabic original with French and English translations), replying to the allegations contained in the letter of 24 August 1999 from the Permanent Representative of the Kuwaiti regime, bearing the symbol E/CN.4/2000/113, 27 October 1999 *

The Mission of Iraq would appreciate it if the High Commissioner could arrange for this reply to be circulated as an official document of the Commission on Human Rights, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

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* The annex is reproduced as received, in the languages of submission (English, Arabic, French)

Annex

PERMANENT MISSION OF THE
REPUBLIC OF IRAQ TO THE
UNITED NATIONS OFFICE
GENEVA

بسم الله الرحمن الرحيم

المعثلية الدائمة لجمهورية العراق
لدى مكتب الأمم المتحدة
جنيف

Ref. M8ang/2000

Text of the letter of the Permanent Representative of the Republic of Iraq to the United Nations Office to the High Commissioner on Human Rights as a reply to the letter of the Permanent Representative of the Kuwaiti regime.

Mrs. the High Commissioner,

With reference to the letter addressed to you by the Permanent Representative of the Kuwaiti régime on 24 August 1999, now under reference E/CN.4/2000/114, please allow me to bring to your attention the following clarifications in reply to the allegations contained in the above mentioned letter of the Representative of the Kuwaiti regime.

1- The Indian vessel, "Naurani" was loaded with 75 cartons of talcum powder for babies and 25 cartons of teats and infant feeding bottles of foreign origin.

2- The items mentioned were imported by an Iraqi businessman, Tahsin Mahmud Rostom (private sector), through a negotiator in the United Arab Emirates who obtained, as announced to Agence France-Presse on 19 August 1999, approval in proper form from the Sanctions Committee, established on the basis of United Nations Security Council resolution 661.

3- In accordance with Iraqi legislation, imported customs-bonded goods can be released only after tests had been made to verify that they are in accordance with standard Iraqi specifications. The

goods referred to in paragraph 1 above therefore remained in customs bond in Basrah governorate pending completion of the laboratory tests. When samples of the two items mentioned in paragraph 1 above were tested by the Medicinal and Biological Monitoring Laboratory of the Iraqi Ministry of Health, it was found that these two items were not in conformity with the standard Iraqi specifications. So, the Ministry of Health requested the importer, the businessman Tahsin Mahmud Rostom, to return the consignment to the supplier in the United Arab Emirates. Accordingly, the items referred to did not enter the Iraqi market at all.

4- On 11 August 1999, James Rubin, the official spokesman of the United States Department of State, said that Iraq had re-exported infant dried milk powder that had been imported under the oil-for-food programme. He considered that to be a violation of the embargo imposed on Iraq, and considered the national leadership of Iraq as being responsible for the suffering of the Iraqi people. The Office of the Iraq programme as well as the Sanctions Committee 661 know very well that Iraq, on the one hand, did not import baby powder, infant feeding bottles or teats under the Memorandum of Understanding "Oil for food" during any of its previous phases; on the other hand, the items that were returned to the supplier were not milk but merely goods imported by the private sector as stated in paragraph 1 above.

The exploitation of such a commercial transaction, which is a well established feature of all commercial exchanges, whether between States, companies or individuals all throughout the world, in an immoral manner for dubious and cheap political motives and publicity, in collusion with the United States Administration, constitutes a desperate attempt to cover up the crimes of genocide perpetrated against the Iraqi people. Such statements are also desperate attempts to undermine the major impact of the UNICEF report of July 1999, which highlighted the increase of infantile mortality among Iraqi children as a result of the embargo.

This campaign of misinformation calls to mind the episode of babies' incubators which was fabricated by the former ambassador of the Kuwaiti regime in Washington who employed a United States public relation company to produce a documentary film in which his daughter, Nairah, played the part of a false nurse witness,

aimed at accusing Iraq of babies homicide. This method of false information has not only deceived the public opinion but also the American congress during the end of 1990.

While condemning and deploring such fabricated declarations which are intended to attain dubious political objectives, I would be grateful to you if you could arrange to have this letter distributed as an official document of the agenda item entitled "Question of the violation of human rights all over the world", of the upcoming 56th session of the Commission on Human Rights.

Please accept, Mrs. the High Commissioner, the assurances of my highest consideration.

Mohammed Al-Douri
Ambassador
Permanent Representative

Geneva, 24 January 2000

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 20 of the provisional agenda

RATIONALIZATION OF THE WORK OF THE COMMISSION

Letter dated 2 February 2000 from the Permanent Representative of Malaysia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

I have the honour to refer to the ongoing discussions in the working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights.

In the plenary of the working group as well as in our private discussions, my delegation and I have reiterated the importance which Malaysia attaches to the immediate implementation of the two-term rule for special rapporteurs, which was referred to in the statement* of 29 April 1999 made by the Chairperson of the fifty-fifth session of the Commission on Human Rights. The statement had established guidelines on the work of the working group and had included in it certain recommendations for immediate implementation, one of which is the two-term (or six-year) limitation of the tenure of special rapporteurs. Specifically, paragraph 7 (ii) of the statement stated that,

> "To help maintain appropriate detachment and objectivity on the part of individual office-holders, and to ensure a regular infusion of new expertise and perspectives, any individual's tenure in a given mandate, whether thematic or country-specific, will be no more than six years. As a transitional measure, office-holders who have served more than three years when their current mandates expire will be limited to at most three years of further renewals in these posts. Reassignment of individuals to other mandates will be considered only in exceptional circumstances (recommendation 6 [of the Bureau's report])".

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* The statement in question appears in the report of the Commission on its fifty-fifth session (E/1999/23-E/CN.4/1999/167, para. 55).

In this connection, my delegation had, during the meeting of the working group on 19 January 2000, stated our understanding of that phrase, which is:

(a) The six-year time limit is a measure to be implemented immediately and without exception;

(b) The reference to the transitional period means that the tenure of special rapporteurs can only be extended for an additional one term only, totalling a maximum of six years (two terms). In other words, if a special rapporteur has served for six years (two terms) in the case of thematic special rapporteurs, then his/her tenure cannot be extended;

(c) In the interest of upholding of the credibility of the Commission's agreements, there should be, for the time being, no reassignment of individuals who have served for more than six years to other mandates.

While we take note of the comments which were made in the 19 January meeting, I believe that the working group should, for the sake of clarity, make such an understanding clear, by having such a reference in the report of the Chairperson of the working group to the Commission. I understand that the draft of that report will be discussed in the meeting of the working group from 7 - 11 February 2000.

An additional point which is of importance to Malaysia is the need to appoint special rapporteurs who are objective, impartial, and have the necessary qualities of professional expertise, experience and integrity. I believe that some of these elements were mentioned in the above draft report of the Chairperson of the working group.

In this connection, Malaysia believes that in order to ensure the impartiality of special rapporteurs, particularly with respect to the State of which he is a national, the concurrence of the State in question needs to be sought. Failure to do so would give that State the right not to cooperate with the Special Rapporteur concerned and reject his reports.

The Malaysian delegation is, as ever, available for discussions on the above-mentioned issues, both within the context of the working group as well as the Commission on Human Rights.

Finally, I would like to request that this be circulated as a document of the working group and as an official document of the fifty-sixth session of the Commission on Human Rights under the agenda item, "Rationalization of the work of the Commission".

(Signed) M. HAMIDON ALI
Ambassador
Permanent Representative

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Items 9 and 17 (d) of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

SCIENCE AND ENVIRONMENT

Note verbale dated 3 February 2000 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit to it herewith* a study concerning the consequences of the use of depleted uranium for human rights in Iraq.

The Permanent Mission of the Republic of Iraq would be grateful to the Office of the High Commissioner for Human Rights if it would kindly consider this study as an official document of the fifty-sixth session of the Commission on Human Rights.

* The annex is reproduced as received, in the language of submission.

Annex

The Use of Depleted Uranium and its effects on Human Rights in Iraq

More ordnance was rained down on Iraq during the six weeks of the gulf war (1991) than was dropped in the whole of the World War Two. Unknown to the public at that time, much of it was coated of depleted uranium (DU). This nuclear waste has replaced titanium as a cheap coating for weapons, which can pierce armor. It burns on contact, producing a fine dust which can be ingested and inhaled and which enters the food chain via water and soil.

The risk associated with DU are both chemical and radiological states the US Army's Environmental Policy Institute, emphasizing that as a low- level radioactive waste it must be deposited in a licensed repository and that inhaled insoluble oxides stay in the lungs and pose a potential cancer risk . Radioactivity only begins to diminish after 4,500 million years.

In 1990 the UK's Atomic Energy Authority sent a report to the British Government, estimating that if 50 tones were left in the gulf area there should be a war, then these would lead to an estimated 50000 extra cancer deaths in a decade.

The US Department of Defense estimates that approximately 315 tones Depleted Uranium was fired in the Gulf in 1991. This firing resulted in the release of large amounts of DU dust which contaminated thousands of tanks, vehicles, and land. Depleted Uranium dust can be transported by wind or water and can enter the human body via wound contamination or injection (as in fragments), inhalation or ingestion. Depleted Uranium has a half-life of 4 ½ billion years .As a result, hundreds of thousands of people, both civilians and soldiers, have suffered the effects of exposure of these radioactive weapons.

By early 1992, doctors in Iraq were bewildered by the rise in the birth deformities – some so grotesque and unusual that they expected to see them only in textbooks and perhaps once or twice in a lifetime. They compared them to those recorded in the Pacific islands after the nuclear testing 1950s. Cancers too were rising, especially amongst the young; the most susceptible to radiation.

In the US over one third of the 600,0000 veterans deployed in the Gulf have sought help from veterans' Administration hospitals; in Britain 8,000 of the 29,000 troops are ill and over 400 have died . In May 1999 ,a coroner in the north of England stated that he dealt with one case a week of Gulf War veterans committing suicide In Australia , Canada , and New Zealand similar scenarios are being recorded .

In Iraq , which has had nine years to feel the full effects of DU cancer has risen up to tenfold .Dr. Hudda Ammash , an environmental biologist at Baghdad University , who obtained her Ph.D. from the University of Missouri, calculates the prolonged effect of this (radiation) is over a period of more than ten years , equal to 100 Chernobyls.

In Basra , radiation levels in flora and fauna have reached 84 times the World Health Organization's recommended safe limit . Here, the unimaginable can be found . Dr. Jenan Ali at Basra General Hospital in southern Iraq has a photographic record of all the babies born with no eyes , brain ,limbs , genitalia ; internal organs on the outside ; grotesquely deformed heads and bodies .

In Mosul in northern Iraq, studies undertaken by four universities show a fivefold increase in cancers after 1991 . An informal survey in the area counted 20 malformed babies in 160 houses ; the majority of fathers had served in the Gulf War . It is estimated that if cancers continue on the present upward curve,

44 percent of the population will develop cancer within ten years.

It was not until 1993 that the fact that DU had been used in the Gulf War began to emerge . Concerns were countered by Washington and Whitehall along the lines of "no immediate danger" and "only, very mildly radioactive" .This was despite the fact that tanks returned to US from the Gulf War were immediately transported to the nuclear decontamination facility at Barnwell , North Coralina .

Depleted uranium was used in Bosnia in 1995 and cancers had risen threefold by 1997 . DU weapons extensively used in the recent war in the Balkans. Radiation readings in Hungry, Bulgaria and Greece have recorded air samples exceeding by 40 times the recommended safety limit of radiation associated with DU.

The British Ministry of Defense points out that the Armed Forces Minister Douglas Henderson had given restrict instructions that no troops were to approach any target which might have been hit by DU unless they were wearing protective clothing against radiation. Asked about the problem of the people living in and returning to the region, the Ministry of Defense said that was for the UN High Commissioner for Refugees to resolve.

The United Nations Human Rights Commission has taken up the issue of depleted uranium weaponry through its Sub-Commission on Prevention of Discrimination and Protection of Minorities . The Sub-Commission adopted resolutions in 1996 and 1997 which included depleted uranium weapons among weapons of mass or indiscriminate destruction ,incompatible with international humanitarian or human rights law . in 1997 the UN Sub-Commission appointed Mme. Clemincia Forero De Castellaons (Columbia) Rapporteur to take over the study of DU and other weapons of mass or indiscriminate destruction .

DU weapons are not conventional weapons . They are highly toxic, radioactive weapons . All international laws on warfare have attempted to limit violence to combatants and to prevent the use of cruel and non-focused weapons . International agreements and convention have tried to protect civilians and non-combatants from the scourge of war and outlaw the destruction of the environment and the food supply in order to safeguard life on earth.

Consequently, DU weapons violate international law because of the inherent cruelty and unconfined death-dealing effect. They threaten civilian populations now and for generations to come. These are precisely the weapons and uses prohibited by international law for more than a century including the Geneva Conventions and their Protocols Additional of 1977.

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COMMISSION ON HUMAN RIGHTS
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Item 20 of the provisional agenda

RATIONALIZATION OF THE WORK OF THE COMMISSION

Letter dated 4 February 2000 from the Chairperson of the Commission on Human Rights addressed to the Permanent Representative of Malaysia to the United Nations Office at Geneva

I have the honour to refer to your letter of 2 February* concerning time limits for special rapporteurs.

As your letter points out, this matter was raised by you in private discussions with me (and subsequently brought into the public domain by your delegation's statement in the working group on 19 January as well as by your letter to Bureau members).

In our discussion, you made clear the particular perspective that the Malaysian authorities bring to this issue as well as your interpretation of the language agreed at the fifty-fifth session of the Commission.

I pointed out that I did not agree with your interpretation in one important respect. In the Chair's statement of 29 April 1999, the sentence relating to transitional measures for current office-holders states "As a transitional measure, office-holders who have served more than three years when their current mandates expire, will be limited to at most three years of further renewals in these posts". I understand these words to mean precisely what they say: that current

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* Reproduced in document E/CN.4/2000/120.

office-holders who have served more than three years when their mandates expire may serve for a maximum of three further years. If the Commission had wished to adopt more qualified or restrictive transitional arrangements, presumably this would have been specified in the text. In the absence of such qualifications, I do not see that they can be retroactively implied.

In the aftermath of our discussion, the Malaysian delegate raised the matter at the working group on 19 January and set out the Malaysian interpretation of the text. I responded to the effect that I did not believe the Malaysian interpretation would be shared by all delegations nor did I consider it was appropriate for the working group to reopen language agreed by consensus at the Commission.

That remains my position - it does not seem to me appropriate for the working group to reopen this matter nor do I believe there is any likelihood of a consensus being reached in the working group on the Malaysian interpretation of the text.

As to the point raised in paragraph 6 of your letter (that before a national of a particular State can be appointed rapporteur, the concurrence of the State in question needs to be sought, failure to do so would give that State the right not to cooperate with the Special Rapporteur concerned and reject his report) the representative of Malaysia is free of course at next week's meeting to suggest such a point for inclusion in the working group's report and to test the possibility of consensus being achievable on that point.

Since you have asked for your letter to be circulated as a document of the working group and as an official document of the fifty-sixth session of the Commission, I am asking the secretariat to accord similar treatment to my response.

(Signed) Anne ANDERSON
Chairperson of the fifty-fifth session
of the Commission on Human Rights

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 20 of the provisional agenda

RATIONALIZATION OF THE WORK OF THE COMMISSION

Letter dated 10 February 2000 from the Permanent Representative of Malaysia to the United Nations Office at Geneva addressed the Chairperson of the Commission on Human Rights

I have the honour to refer to your letter of 4 February 2000* regarding time limits for special rapporteurs, which was made in response to my own of 2 February 2000 regarding the same.

It is with a sense of regret that I take note of the arguments set forth in the letter and would like to respond thus:

(a) My initial letter referred to the entirety of paragraph 7 (ii) of the statement by the Chair of the fifty-fifth Commission on Human Rights adopted on 29 April 1999.** This was consciously done to emphasize one significant point, namely that the main principle behind the

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* Reproduced in document E/CN.4/2000/122.

** The statement in question appears in the report of the Commission on its fifty-fifth session (E/1999/23-E/CN.4/1999/167, para. 55).

paragraph is that, notwithstanding the measures pertaining to the transitional period, there should be no extension of the tenure of special rapporteurs who have served for more than six years. Therefore, the transition measure must be implemented within the frameworks of this principle. As such, we believe that a selective reference only to the transition period, as per your letter, does not give a true picture of the situation at hand.

(b) Your understanding that current office-holders, i.e. those who have served more than 3 years when their mandates expire, may serve for a maximum of 3 further years means that in principle, special rapporteurs, regardless of the length of their tenure, for example 9 or 12 years, are still eligible for an extension of 3 years or one full term. This hardly constitutes a transition measure by any stretch of the imagination.

(c) With regard to the issue of the Commission wishing to adopt "more qualified or restrictive transitional arrangements", we believe that such a qualification indeed does appear, again by virtue of the first sentence of paragraph 7 (ii) of the aforementioned statement which sets out clearly the principle behind the paragraph, to wit, there should be no extension of the tenure of special rapporteurs who have served more than six years. Therefore, the issue of qualifications being retroactively implied does not arise at all.

At this juncture, I would like to raise some issues which my delegation would have raised, had we been given the opportunity to do so.

(a) We have no wish to reopen all aspects of the 29 April statement only to have a clarification on one issue appearing in the statement;

(b) We have no intention of having the transition measure being retroactively applied. Therefore, special rapporteurs who have served more than six years but who have already had their tenure extended will not be affected. In this regard, we would concur with the assessment made at the previous Bureau meeting that in practical terms, there would be three special rapporteurs who already served six years due to have their mandate renewed at the next session of the Commission;

(c) We believe that measures adopted within the framework of enhancing the effectiveness of the mechanisms of the Commission on Human Rights should be objectively applied, without recourse to arbitrary decisions. In this regard, we view with concern that if an interpretation of the transition measures had been communicated to the special rapporteurs themselves, the interpretation had not been given the stamp of approval by the membership of the Commission on Human Rights.

In the same vein, my Government views with great concern the fact that your letter to the effect that "I did not believe the Malaysian Interpretation would be shared by all delegations nor did I consider it appropriate for the working group to reopen language agreed by consensus at the Commission" prejudges discussions which the working group might have had in this regard. In this connection, notwithstanding the objections of certain delegations to the Malaysian Interpretation, our informal contacts with certain other delegations indicate significant support for our position. That the letter was written before the beginning of the third session of the working group on enhancing the effectiveness of the mechanisms of the Commission on Human

Rights has amplified this concern. Furthermore, the blank refusal to even discuss this matter of concern to a Member State in informal meetings of the working group goes against the spirit of goodwill in negotiations. This does not bode well for the achievement of substantial and concrete results by the working group, an aim to which all delegations are committed.

As per our previous communications, I would again request the secretariat to have this letter circulated as a document of the working group and as an official document of the fifty-sixth session of the Commission.

(Signed) M. HAMIDON ALI
Ambassador
Permanent Representative

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 18

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Human rights and thematic procedures

Note by the secretariat

1. In paragraph 10 of resolution 1998/74, adopted on 22 April 1998, the Commission on Human Rights requested the Secretary-General, in close collaboration with the thematic special rapporteurs, representatives, experts and working groups, to issue annually and sufficiently early their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission.

2. Pursuant to this request, the annex to the present document contains the references to the conclusions and recommendations contained in the reports submitted to the Commission on Human Rights at its fifty-sixth session by the thematic special rapporteurs and working groups.

3. Moreover, in paragraph 7 of resolution 1998/74, the Commission requested the Secretary-General to convene further periodic meetings of all the thematic special rapporteurs, representatives, experts and chairpersons of working groups of the Commission in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations. In this regard, it may be noted that a meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission and of the advisory services programme was held from 31 May to 3 June 1999, the report of which has been submitted to the Commission at its fifty-sixth session (E/CN.4/2000/5).

Annex

CONCLUSIONS AND RECOMMENDATIONS OF THEMATIC SPECIAL RAPPORTEURS AND WORKING GROUPS

Conclusions and recommendations of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2000/14, paras.78-93)

Conclusions and recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2000/16, paras. 172-174)

Conclusions and recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3, paras. 93-116; E/CN.4/2000/3/Add.2, paras. 6-20; E/CN.4/2000/3/Add.3, paras. 94-108)

Conclusions and recommendations of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic waste and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2000/50, paras. 116-120)

Conclusions and recommendations of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and of the independent expert on structural adjustment policies (E/CN.4/2000/51, annex, paras. 88-98)

Conclusions and recommendations of the independent expert on the question of human rights and extreme poverty (E/CN.4/2000/52, paras. 77-115)

Conclusions and recommendations of the Special Rapporteur on the right to education (E/CN.4/2000/6, paras. 72-75; E/CN.4/2000/6/Add.1, paras. 90-96; E/CN.4/2000/6/Add.2, paras. 88-97)

Conclusions and recommendations of the Special Rapporteur on all forms of intolerance and of discrimination based on religion or belief (E/CN.4/2000/65, paras. 171-183)

Conclusions and recommendations of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2000/61, paras. 327-339; E/CN.4/2000/61/Add.1, paras. 138-169)

Conclusions and recommendations of the Special Rapporteur on the question of torture (E/CN.4/2000/9, paras. 1207-1210; E/CN.4/2000/9/Add.2, paras. 65-78; E/CN.4/2000/Add.3, paras. 49-57; E/CN.4/2000/9/Add.4, paras. 82-92)

Conclusions and recommendations of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2000/64, paras. 134-143; E/CN.4/2000/64/Add.1 pasas. 55-63)

Conclusions and recommendations of the Working Group on Arbitrary Detention (E/CN.4/2000/4, paras. 65-70; E/CN.4/2000/4/Add.2, paras. 86-104)

Conclusions and recommendations of the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression (E/CN.4/2000/63, paras. 203-210; E/CN.4/2000/63/Add.1, paras. 126-155; E/CN.4/2000/63/Add.2, paras. 70-90; E/CN.4/2000/63/Add.3, paras. 103-113; E/CN.4/2000/63/Add.4, paras. 80-102)

Conclusions and recommendations of the independent expert on the right to reparation, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/2000/62)

Conclusions and recommendations of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2000/68, paras. 107-128; E/CN.4/2000/68/Add.2, paras. 93-104; E/CN.4/2000/68/Add.3, paras. 74-84; E/CN.4/2000/68/Add.4, paras. 87-97; E/CN.4/2000/68/Add.5, paras. 72-79)

Conclusions and recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2000/73, paras. 132-141; E/CN.4/2000/73/Add.1, paras. 143-146; E/CN.4/2000/73/Add.2, para. 112; E/CN.4/2000/73/Add.3, 104-106)

Conclusions and recommendations of the Special Representative of the Secretary-General on the impact of armed conflict on children (E/CN.4/2000/71, annex I, paras. 12-13; annex II, paras. 27-33)

Conclusions and recommendations of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2000/83, paras. 67-78; E/CN.4/2000/83/Add.1, paras. 105-126; E/CN.4/2000/83/Add.2, paras. 67-78)

Conclusions and recommendations of the Special Rapporteur on the human rights of migrants (E/CN.4/2000/83, paras. 82-91)

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 11 of the provisional agenda

CIVIL AND POLITICAL RIGHTS

Note verbale dated 19 January 2000 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit the attached document, entitled "United States schemes to overthrow the system of government in Iraq in violation of international law and the Charter of the United Nations". This document has been prepared by the Iraqi delegation for the fifty-sixth session of the Commission on Human Rights*.

The Mission of Iraq would appreciate it if the High Commissioner could arrange for this reply to be circulated as an official document of the fifty-sixth session of the Commission on Human Rights.

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* The annex is reproduced as received, in the languages of submission and in English.

Annex

A study submitted by the Iraqi delegation
entitled "United States schemes to overthrow the system of government in Iraq in violation of international law and the Charter of the United Nations"

1. The United States Administration has persisted in its hostile attitude and conduct towards Iraq in numerous ways and forms and under a variety of facades, as illustrated by:

(a) Declarations by senior officials of the United States Administration.

(b) Acts of military aggression, virtually on a daily basis.

(c) Support for terrorist groups calling themselves the "Iraqi opposition".

2. All the Security Council resolutions concerning Iraq have consistently affirmed the need to respect the sovereignty, territorial integrity and political independence of Iraq. This is a binding legal obligation in view of the fact that those resolutions were adopted in accordance with the provisions of Chapter VII of the Charter.

3. This behaviour violates Article 2, paragraph 4, of the Charter of the United Nations, which stipulates that: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations". This prohibition constitutes the cornerstone of the international order established by the Charter of the United Nations. It is also a principle that is recognized as an imperative and categorical rule that cannot be infringed under any circumstances.

4. Such behaviour violates the rules of international law, including the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, proclaimed in General Assembly resolution 2625 (XXV) which was adopted unanimously on 24 October 1970

and which the International Court of Justice, in its decision handed down in the case Nicaragua v. United States of America in 1986, regarded as a codification of the rules of international law which, consequently, was binding on all States. In this connection, that Declaration stipulated that: "Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States ... Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination ... Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State".

The Declaration further stipulated that: "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State".

5. Under the terms of General Assembly resolution 3314 (XXIX) of 14 December 1974 entitled "Definition of Aggression", which unquestionably forms part of the international customary law adopted by most countries of the world and recognized by international jurisprudence, the threat or use of armed force against Iraq without any authorization from the Security Council constitutes aggression.

6. The following examples of the declarations and activities of senior United States and British officials against the security, territorial integrity and unity of Iraq constitute flagrant violations not only of the Charter of the United Nations but also of all the rules and provisions of international law. We wish to draw the attention of all States Members of the United Nations or members of non-governmental organizations to the increasing gravity of the situation resulting from the United States-British aggression, in

collaboration with Turkey, Saudi Arabia and Kuwait, against Iraq. While retaining its full right, under international law, to defend itself, to preserve the sovereignty and security of Iraq and to claim compensation from those States, the Government of Iraq calls upon all States Members of the United Nations, members of non-governmental organizations and eminent personalities to condemn those acts and practices. We also call upon the Security Council to assume its responsibilities in accordance with the Charter of the United Nations and refrain from those acts against Iraq.

Examples of hostile United States-British acts

- On 28 September 1998, the United States Congress approved the Iraq Liberation Act which provided for the financing and arming of terrorist groups seeking to disrupt the security and stability, and undermine the national unity, of Iraq.

- On 13 January 1999, Elizabeth Jones, the Deputy Assistant Secretary of State for Near Eastern Affairs, heading a delegation from the United States and British intelligence services, entered northern Iraq illegally from Turkish territory accompanied by officials from the Turkish Ministry of Foreign Affairs.

- On 23 May 1999, Frank Dony of the BBC said that there were signs of improved cooperation between sections of the Iraqi opposition with a view to achieving a single common objective, namely a change of regime in Iraq.

- On 24 May 1999, Madeleine Albright, the Secretary of State, held a meeting with a group of mercenaries, who had betrayed Iraq, with a view to using them as tools in a conspiracy against Iraq. James Rubin, the official spokesman of the Department of State, announced that, with effect from July, Washington would be giving financial assistance to the Iraqi opposition in order to support it in its endeavours to overthrow the regime of President Saddam Hussein. Payment of that assistance was to begin after the opposition forum which the leaders of the National Congress had decided to hold in July. The initial funds, allocated for the establishment of a headquarters and staff training and communication facilities, would not be deducted from the military

assistance, amount to $97 million, which had been approved in the Iraq Liberation Act.

- On 27 May 1999, the New York Times, referring to a meeting between Albright and a delegation from the so-called "Iraqi opposition", said that the meeting was an indication of the Clinton Administration's endeavours to form a broader opposition against the Iraqi President. After the meeting, Martin Indyk, the former Assistant Secretary of State for Near Eastern Affairs, had said that the provision of assistance for those groups formed part of the general policy of changing the Iraqi Government ... and United States policy was also based on a continuation of the bombardment of Iraq and a continuation of the economic sanctions and diplomatic isolation.

- At the joint press conference held by the United States Secretary of Defence and the Minister of Defence of the Kuwaiti regime on 2 June 1999, Cohen said that they would continue to work, together with the Iraqi people, to install a Government that would help to achieve peace and prosperity for Iraq. He added that they would continue to contain Saddam Hussein and the United States Administration was in contact with the Iraqi people with a view to finding an alternative that would work with the United States Administration, the Kuwaitis and others to change the regime at some time in the future.

- On 5 June 1999, in an interview with the ANN network, David Welch, the Assistant Secretary of State for International Organization Affairs, said that the President of the United States had publicly declared that his aim was to see the departure and disappearance of the regime of the Iraqi President.

- On 14 June 1999, the Jordanian newspaper Al-Rai reported that Martin Indyk, the Assistant Secretary of State for Near Eastern Affairs, had stated before the Foreign Relations Committee that the Administration would be working with forces in and outside Iraq, and also with Iraq's neighbours, to change the regime in Iraq.

- On 18 June 1999, in a statement entitled "Iraq and United States policy" which he delivered in the National Security Council, Riedel, the Senior Director for Near East and South Asian Affairs, said that the aims of United States policy included containment of the "dangerous" Iraqi regime, alleviation of the sufferings of the Iraqi people and encouragement of a change in leadership with a view to the establishment of a real peace. He also said that the United States would be a partner of the new Iraqi Government which would implement all the Security Council resolutions, at which time the United States would encourage American investment and cancel Iraq's debts amounting to $100 billion.

- On 23 June 1999, Senator Brownback, who had chaired a hearing attended by Elizabeth Jones, the Deputy Assistant Secretary for Near Eastern Affairs, said that, according to her, United States policy in regard to a change of regime in Iraq was that such a change should come from within and from elements of the opposition, which should play an effective role in divesting Saddam Hussein of his legitimacy and in helping to build a case for his prosecution "as a war criminal". The Administration had provided $8 million in financial support to strengthen the unity of the opposition. He also spoke of financial grants of $100 million for the opposition. Jones had said that the Administration was earnestly seeking to get rid of Saddam Hussein. Senator Wellstone had made a comment indicating that they did not want to see Saddam remaining in power throughout Clinton's term of office.

- On 23 June 1999, the Jordanian newspaper Al-Arab al-Yawm reported that Bruce Riedel, Director of the United States National Security Council, had said that the days of the Iraqi regime were numbered ... the regime of the Iraqi President posed the greatest threat to United States interests ... and they were endeavouring to change that regime and encourage all the parties contributing to that endeavour in and outside Iraq.

- On 26 June 1999, the Voice of America reported that, during a meeting held by one of the Senate committees, Elizabeth Jones, the Deputy Assistant Secretary of State for

Near Eastern Affairs, had said that the Clinton Administration was serious in its endeavours to change the Iraqi regime.

- On 29 June 1999, the position of the Department of State on Iraq was summarized by Martin Indyk, the Assistant Secretary of State for Near Eastern Affairs, who, during a visit by the Egyptian President Hosni Mubarak, referred to the concurrence of views between the United States and Egypt concerning the threat that Iraq posed to its neighbours. He said that their two countries supported the unity of Iraq and were in agreement on what President Mubarak had said to the effect that President Saddam Hussein would be doing his people a favour if he relinquished power.

- On 6 August 1999, Hoagland of the Washington Post reviewed the details of the Iraqi opposition's visit to Washington and their meeting in the White House with Sandy Berger, the National Security Adviser who, during the meeting which lasted 25 minutes, had promised them that the Administration was determined to get rid of the regime of the Iraqi President before the end of Clinton's presidency.

- On 2 September 1999, AFP reported Senator Jesse Helms, Chairman of the Senate Foreign Relations Committee, as saying that the (Iraq Liberation) Act would begin the long-awaited process of overthrowing the regime of the Iraqi President without in any way involving or dispatching American forces.

- On 25 October 1999, AFP quoted William Cohen as saying at Amman that he hoped that a new leadership from within would succeed in taking over the reins of Government in Iraq.

- On 28 October 1999, ANN quoted the Bahraini newspaper Al-Ayyam as saying that the United States Central Intelligence Agency was currently studying the possibility of dealing with Qusayy, the son of Saddam Hussein, in the event of a change of political regime in Iraq.

- On 31 October 1999, the United States Department of Defence announced that payment of $5 million of the $98 million that Congress had allocated to the Iraqi opposition would begin on Monday.

- On 1 November 1999, during a press conference held at the United States Embassy in Cairo, Martin Indyk, the Assistant Secretary of State, said that, although the Iraqi opposition abroad was not unified, it was a step on the road towards the overthrow of the Iraqi President ... and there was a need for efforts to topple the regime of the Iraqi President.

- On 6 November 1999, in a joint declaration distributed at Washington after the visit by the Saudi Minister of Defence to the United States of America and quoted by the Saudi Press Agency, the two parties expressed their common concern at the behaviour of the Iraqi Government and agreed that the Gulf region would never enjoy real security as long as the Iraqi regime remained.

- On 28 November 1999, the BBC reported Peter Haine, the British Minister of State at the Foreign and Commonwealth Office, as saying that the human suffering entailed by the sanctions imposed on Iraq was inevitable as long as the aim of those sanctions was to overthrow the Iraqi President.

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: DISAPPEARANCES AND SUMMARY EXECUTIONS

Note verbale dated 11 February 2000 from the Permanent Mission of Mexico to the United Nations Office at Geneva addressed to the Office of the High Commissioner for Human Rights

The Permanent Mission of Mexico to the United Nations Office and international organizations with headquarters in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to the report contained in Commission on Human Rights document E/CN.4/2000/3/Add.3 on the visit made by the Special Rapporteur on extrajudicial, summary or arbitrary executions to Mexico from 12 to 23 July 1999.

In this connection, the Mission encloses the comments and observations of the Government of Mexico* on the report so that they may be made available to the Commission on Human Rights at its fifty-sixth session as an official document, either in the form of an annex to the report of the Special Rapporteur or, if this is not possible for practical reasons, as a separate document to be distributed at the same time as the report.

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* The annex is reproduced as received, in the language of submission and in English only.

Annex

Comments and observations of the Government of Mexico on the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Mexico (12-24 July 1999)

The Special Rapporteur acknowledges that the Government of Mexico extended to her its full assistance and cooperation in order to facilitate her work, and that she enjoyed complete freedom in an atmosphere of openness and transparency during her visit to Mexico.

She also acknowledges that in recent decades successive Mexican Governments have initiated a wide range of political and judicial reforms aimed at addressing human rights concerns, including violations of the right to life. In her conversations with government officials, private individuals and non-governmental organizations, she observed that there is general agreement that a gradual change is taking place in Mexico in the attitude of government officials at the federal and municipal levels, and also that there is greater commitment to improving the overall functioning of public agencies and institutions dealing with human rights.

In this context, the Special Rapporteur highlights the statements by the President of the Republic, Mr. Ernesto Zedillo, in which he reaffirmed his determination to do away totally with the phenomenon of impunity and to reform the country's legal system in order to prevent extrajudicial executions. She points out that the representatives of opposition parties and non-governmental organizations, journalists and victims of violations have acknowledged that the number of extrajudicial executions and reports of killings has fallen in the last two years.

The Special Rapporteur points out that examples of practical efforts to move away from past practices were noticeable at all levels of government, and welcomes the continuous reforms undertaken by the Federal Government in recent years and the fact that human rights are a central subject of public debate.

In her conclusions, she says that Mexico has the potential and the administrative mechanisms in place to monitor and overcome the obstacles it faces in protecting the lives of its

citizens and others living in its territory. She stresses that the Federal Government has made efforts in three key areas: access to justice through changes in the judicial and legal system, the promotion of the democratic process, and the political and economic empowerment of local communities. In her recommendations, she urges the Government of Mexico to continue the process of reform it has initiated.

With regard to the so-called "paramilitary groups", the Special Rapporteur stresses that none of the sources she spoke to could provide her with any firm or direct evidence of the alleged link between the Government and those groups.

The Special Rapporteur also states that the scope of her report is limited to the mandate entrusted to her, and that it focuses on the situation in the country at the time of her visit and on certain "key" events in the recent past, in particular the killings in Acteal, El Bosque, Aguas Blancas and El Charco. However, both in her report and in her conclusions and recommendations, she clearly exceeds her mandate by bringing up the subject of the elections and the constitutional role of national bodies such as the armed forces.

The Government of Mexico finds it inadmissible that she should overstep her mandate in this way, and expresses its concern at the fact that comprehensive and detailed information provided to the Special Rapporteur by government sources is omitted throughout the report. This not only leads to a lack of balance and objectivity in the report, but also to the recommendation by the Special Rapporteur of measures that were already being taken, such as the use of electoral observers, or of measures that are not only unrealistic but also go beyond her mandate, such as the proposal that the armed forces should not be used to combat organized crime such as drug trafficking - the principal threat to national security.

For this reason, the Government of Mexico wishes to make the following observations on specific questions raised in the Special Rapporteur's report.

1. The electoral process

In the section of the report on general observations and in the conclusions, the Special Rapporteur refers to alleged fears of heightened tension with the approach of the general election to be held in July 2000, which can lead to outbreaks of violence. The Special Rapporteur recommends "some legitimate form of international presence" and that consideration be given to the possibility of inviting international observers to avoid hypothetical violence.

It is true that electoral campaigns in Mexico are intense. Ours is a participative democracy, but anyone who confuses that with instability knows little about our history and less about democracy.

As far back as 1994, an electoral reform was introduced allowing the General Council of the Federal Electoral Institute (IFE) to regulate the presence of "foreign visitors" interested in following the federal electoral process. Further reforms were carried out in 1996, and have allowed the international community to observe that elections in Mexico are fair, transparent and of high quality in all respects. In 1994, 82,000 national observers and 950 foreign visitors from 34 countries observed our elections and in 1997, 35,000 national observers and 398 foreigners from 30 countries witnessed the election that took place in that year.

In 1994, 77.8 per cent of the population voted in the elections, although voting was not compulsory, and in 1997, 62 per cent voted. There was no violence in either of the two federal elections.

Moreover, at the request of the United Nations and following recognition of the quality of the electoral services it provides, IFE has provided technical assistance to 15 countries through 24 different missions to organize elections and improve their technical quality.

Once again, IFE has issued a notification concerning the general election in 2000 so that foreign visitors who wish to follow the electoral process may do so, making use of all the facilities made available for this purpose by the Mexican authorities.

In 1994 and 1997, technical cooperation programmes were set up with the Electoral Assistance Division of the United Nations, through the United Nations Development Programme (UNDP), to train national observers and assist foreign visitors observing the election. On the basis of the excellent results of previous years, a new technical cooperation agreement was signed with the United Nations in November 1999 concerning the elections in 2000.

All of this was brought to the attention of the Special Rapporteur and it is regrettable that she did not take it into account when writing her report. The Special Rapporteur's recommendation that our electoral process should be followed by international observers is not only superfluous in the current political situation in Mexico, but is also outside her sphere of competence.

2. Role of the armed forces

In the section on general background and in the chapters on conclusions and recommendations, the Special Rapporteur recommends that the Government of Mexico should demilitarize society, and requests it to avoid deputing the armed forces to maintain law and order or to eradicate crime.

It is disturbing that the Special Rapporteur did not notice during her journey to Mexico that the armed forces' contribution to the maintenance of law and order is made within the framework of the law, at the request of the civil authorities and under the control of those authorities.

There are occasions in many democracies when the armed forces have to be called upon in order to preserve the rule of law. No country would accept criticism of the use of the armed forces by the legitimate authorities in compliance with its laws. The United Nations High Commissioner for Human Rights herself, Ms. Mary Robinson, said as much during her visit to Mexico in November 1999, when she pointed out that the role of the armed forces within a country is a question for that country as it is a matter directly related to the sovereignty of that country.

On the other hand, in cases where human rights violations by soldiers have been detected, the full force of the law has been brought to bear in punishing those responsible. In paragraph 22 of the report, the Special Rapporteur says she was alerted to cases relating to abuse by the police and the excessive or arbitrary use of force by the military, though she does not specify what these cases are. The Government of Mexico kindly requests the Special Rapporteur to give it details of the allegations she is referring to so that it can carry out the appropriate investigations. As the Special Rapporteur could observe, it is in the interest of the Government of Mexico to investigate allegations so that it can punish anyone responsible for practices that violate human rights.

3. Situation in Chiapas

In the section on general background and the chapter on recommendations of the Special Rapporteur's report, there are a number of inaccuracies concerning the origin and course of events in Chiapas since the invasion by the Zapatista National Liberation Army (EZLN) in 1994. And there is no mention of the government initiatives to resolve the conflict, even though these were explained to her in ample detail. Consequently, this part of the report too is biased and lacks objectivity.

In the conclusions, the Special Rapporteur fails to mention the Government's seven-point strategy to resolve the conflict in Chiapas, which was also explained to her in detail and on

which she was provided with copious documentation. Nor does she refer to the Government's social policy to attack the causes of the conflict, or to the specific political initiatives to bring the EZLN to the negotiating table that were introduced throughout 1998 and continued in 1999.

To be specific, with regard to the origin of the conflict, in paragraph 19 the Special Rapporteur claims that the EZLN "mounted a brief armed uprising against the Federal Government in protest against alleged repression by the army and police and to voice demands for greater autonomy, economic empowerment and respect for the indigenous communities". It should be recalled that the First Declaration from the Lacandona Jungle issued by the EZLN in 1994, which can be found on the group's Web site, contains a declaration of war on the Mexican Government and army, and announces the intention of the EZLN to advance to Mexico City, its demand for the overthrow of the President of the Republic and its proposal to establish a socialist system in Mexico.

In the same paragraph, the Special Rapporteur states that 12 days after the beginning of the conflict a ceasefire "was declared", but she does not explain that this was a unilateral decision by the Government of Mexico, showing a clear willingness to find an honourable, peaceful and lasting solution to the demands of the Zapatistas and, above all, to avoid spilling the blood of Mexicans.

On the question of the San Andrés Larráinzar accords, the Special Rapporteur claims (without indicating her sources) that "the Government feared that implementation of the accords would deprive disadvantaged groups within the indigenous communities of their individual rights, in favour of the collective rights of the indigenous population". The Government of Mexico has never subscribed to this argument; nor has the argument been used by its critics or Zapatista sympathizers. Government officials explained quite clearly to the Special Rapporteur, although she did not mention it in the report, that the Government and the EZLN have different interpretations of the San Andrés accords and, in particular, the Government's observations on the so-called Cocopa (Commission on Concordance and Pacification) project. They also told her

that various legislative initiatives on the question are now being considered in the Mexican Congress, including one from the Federal Executive and another from the National Action Party, which may be put aside, amended or rejected by the legislators, and so it is up to the legislature to facilitate progress in legislation on indigenous communities.

Moreover, in the same paragraph it is pointed out that the Government has not recognized the so-called autonomous municipalities, without mentioning that the latter have no constitutional or legal basis whatsoever and that they were imposed by force by the EZLN.

The Government of Mexico wishes to emphasize that subsequent to the Special Rapporteur's visit, the Minister of the Interior issued, on 7 September 1999, an open letter to the EZLN entitled "One more step", in which he once again reiterated the Government's strong desire for a resumption of the political dialogue with the EZLN and for a return to normality.

4. Acteal

With regard to the massacre in Acteal on 22 December 1997, the Special Rapporteur basically raises questions on three points: the way in which those arrested were identified, the procedure used to arrest a group of those accused, and the fact that the role and responsibility of high-level state officials was not investigated.

The Government of Mexico wishes to reiterate that those arrested were all charged and pointed out by the people who had actually been attacked; some of those arrested were identified on more than a dozen occasions, while accusations were made against the others on three or four occasions at least. There were no random arrests, contrary to what is said in paragraph 33 of the report. All those arrested were identified beforehand by the victims; in fact, in some cases the police had to intervene to avoid violent confrontations between survivors or witnesses and the accused. All identifications were confirmed in court.

With regard to arrest procedures, it should be mentioned that the action leading to the arrest of those persons was coordinated by federal, state and municipal officials. It is not true that arbitrary detentions took place, since arrest warrants were issued prior to all the arrests and were enforced in the way deemed most likely to avoid acts of violence.

With regard to the investigation and punishment of state officials, the public right of action has been exercised at the highest levels of government, as shown by the fact that the State Minister of Public Security has been remanded in custody. In the administrative sphere, the clarification of responsibilities led to the disqualification from public office of top-level officials, such as the Attorney-General of the State.

The exercise of the public right of action in Mexico is subject to specific and perfectly clear legal criteria, which is why, in accordance with the existing legal framework, it was not possible to establish automatically any criminal or administrative responsibility at a higher level, without legally determining direct criminal responsibility. The former Governor of Chiapas testified on two occasions before the federal Public Prosecutor's Office, which concluded that there had definitely been no selective impunity.

With regard to the level of compliance with the recommendation of the National Human Rights Commission (CNDH), by 14 January 2000 the Office of the Attorney-General of the Republic had complied fully with all details of the recommendation.

5. El Bosque

In paragraph 41 of the report, the Special Rapporteur says that CNDH did not recommend prosecution of the police officers or members of the armed forces involved in the deaths of eight civilians in a shooting incident in El Bosque, (Chiapas) on 10 June 1998.

On this point, the Government of Mexico considers it relevant to point out that, on the basis of the investigations carried out by CNDH itself, it has been established that the deaths of the eight civilians were caused by the impact of shells fired from a gun during a clash between them and members of the state public security forces. In other words, the deaths were not the result of summary executions but the result of a direct clash between two groups, in hostilities started by the civilians. For this reason, CNDH did not make a recommendation that the police officers involved should be prosecuted.

6. Aguas Blancas

With regard to the events in Aguas Blancas, (Guerrero) on 28 June 1995, the Special Rapporteur, in paragraph 54 of the report, expresses her disquiet at the fact that the Federal Attorney-General of the Republic (PGR) did not take up the case. In this connection, Mexican officials explained to the Special Rapporteur that Mexican legislation lays down very precise criteria, subject to the connexity rule, for determining competence in cases, as provided for in the second paragraph of article 10 of the Federal Code of Criminal Procedure, so that the declaration of competence is not discretionary.

Obviously, the Special Rapporteur has not fully understood Mexican legislation, since she says she was not convinced by the reasons given to her by the federal Attorney-General, according to which CNDH, was in fact competent. The Special Rapporteur does not appreciate that the authority of CNDH is entirely optional, in accordance with article 60 of the Act establishing it, insofar as the connexity rule provided for in article 10 of the Federal Code of Criminal Procedure clearly restricts the declaration of competence to multiple offences. Moreover, the Special Rapporteur claims that the fourth paragraph of article 14 of the Basic Law of the Federal Attorney-General's Office is applicable, but this refers to special prosecutors and has nothing to do with the power of the PGR to declare itself competent.

CNDH itself, in its recommendation on the Aguas Blancas case, found that it contained nothing that would bring it within federal jurisdiction. Likewise, the Supreme Court, in its ruling on the matter, stated that the criminal offences were naturally being tried by the courts of the State of Guerrero.

7. El Charco

With regard to events in El Charco, (Guerrero) the Special Rapporteur recognizes that there are different and conflicting versions of exactly what happened at Caritono Maldonado Pérez boarding school in that area on 7 June 1998. Nevertheless, she says that, although it is impossible to determine all the facts, some versions suggest that the armed forces acted with excessive force, and she claims that soldiers carried out summary executions, suggesting that a massacre took place, not a clash between armed civilians and members of the army.

It is clear that in this case the Special Rapporteur accepted as accurate a version of events that is not even supported by the evidence she herself collected, since she takes it for granted that the victims were not armed. The empty cartridges found in the classroom show that shots were also fired from inside the school.

The Special Rapporteur's statements that a massacre took place are contradicted by the various forensic tests carried out, which definitively ruled out the possibility of extrajudicial executions. The fact that there were no casualties among the soldiers of the Mexican army, as mentioned by the Special Rapporteur herself in paragraph 64 of her report, in no way permits the conclusion that no clash took place.

The Special Rapporteur has been provided with a videotape showing high-powered weapons and the nature of the discussions held inside Caritino Maldonado Pérez school by a group of armed civilians; they were certainly not talking about farming problems, as she claims.

A straightforward reading of the testimony she collected should have enabled her to spot the contradictions that render unlikely the version that she has nonetheless chosen to accept.

It is important to emphasize that officials from ordinary, federal and military courts were involved in the investigation of the events and that the suspects have had the benefit of due legal process, during which sentences have already been confirmed at second instance. The defendants enjoyed all their rights of defence during the trial.

The file opened by CNDH (No. 98/3389) was still at the compilation stage and so the information given to the Special Rapporteur cannot be taken as conclusions, from the investigations, but only as information suppiied by CNDH during her visit.

The national ombudsman cleared the army of responsibility when his investigations established that there had been no summary executions but a clash initiated by the civilians, as the Special Rapporteur was told during her talks with CNDH.

8. Other communications

In paragraph 65 of her report, the Special Rapporteur refers to information received on a large number of cases of extrajudicial killings and impunity for those responsible for these violations. She then goes on to say that extrajudicial killings seem to occur throughout the country. The Government of Mexico requests the Special Rapporteur to provide it with a list of cases in support of this claim so that it can take the necessary legal steps.

Human rights defenders and journalists

With regard to the threats against human rights defenders, it would be useful if the Special Rapporteur sent information on the cases reported to her so that the measures needed to

guarantee their security and investigate the events can be taken quickly, as has been done for every allegation on this point received by the competent authorities.

With regard to the case of Ms. Digna Ochoa, in August 1999 CNDH opened complaint proceedings and drew to the attention of the competent authorities the concern of some members of the Agustin Pro Juárez Human Rights Centre concerning threats against Ms. Ochoa, who is a lawyer. These authorities immediately offered her personal protection, but it was only on 23 November that Ms. Ochoa accepted police protection from the Attorney-General's Office of the Federal District.

As far as journalists are concerned, there is total freedom of expression in Mexico, as the Special Rapporteur, whose visit received wide press coverage was able to observe.

Since the establishment of CNDH, a programme has been set up to deal with attacks on journalists, and this has later been extended to cover civilian human rights defenders. In May 1997, a coordinating mechanism was set up to deal with all cases of people working in the media or human rights defenders who were attacked by any official.

In the area of government policies, the Ministry of the Interior, through its national programme to promote and strengthen human rights, published in December 1998, set up a complaints office and a 24-hour telephone line to record threats to or attacks on journalists.

If anyone from the press believes their work is being hindered or their rights violated, there are agencies to lodge and investigate complaints, and also authorities to decide upon emergency measures to safeguard their well-being.

Women in Ciudad Juárez

The Special Rapporteur concludes in her report that complaints about the killing of women in Ciudad Juárez do not fall within her mandate, and she has thus referred them to the

Special Rapporteur on violence against women. Nevertheless, in her account of the events, the Special Rapporteur omits to mention the large amount of information on preventive measures taken that was given to her by the special prosecutor working on the case; as a result of these measures, there has been a significant reduction in the number of incidents and the majority of cases have been solved, with most of those responsible having been apprehended.

Violations of the right to life and sexual orientation

The Special Rapporteur makes a brief reference in her report to the reports received on the killing of homosexuals and states that the Mexican authorities handle these cases with indifference because of the sexual orientation of the victims. This statement is not only unfounded but also contradicts what was explained in great detail to the Special Rapporteur with regard to the reforms of the Penal Code of the Federal District, which make it an offence to discriminate on grounds of sexual orientation, among other reasons. This legal definition includes, as the Special Rapporteur was told at the time, actions to provoke or incite hatred or violence because of the sexual orientation of a person, as well as harassment for the same reason.

Capital punishment

The Special Rapporteur refers to alleged statements by officials to the effect that Mexico is considering reintroducing the use of the death penalty, while ignoring the firmly abolitionist stance taken by Mexico at the national and international level on this subject. The death penalty has not been applied in Mexico since 1937 and under the Constitution it is strictly reserved for the most serious cases, such as treason during a war with a foreign Power.

The Government of Mexico does not believe that capital punishment is the answer to the crime problem, and is convinced that its use as a deterrent has not been effective and has in fact led to the deaths of innocent people.

Moreover, attorney-generals from all over the country have proposed an amendment to the Mexican Constitution to abolish the death penalty once and for all, and capital punishment is resisted as strongly as possible in the case of Mexicans abroad who have been sentenced to this penalty.

9. Independence of the Public Prosecutor's Office

With regard to this recommendation, it should be explained that the Federal Public Prosecutor's Office is headed by a Federal Attorney-General of the Republic appointed by the President and endorsed by the Senate, a fact which guarantees that person's independence.

10. Comments on the conclusions and recommendations

In summary:

(a) Mexico pursues a policy for the promotion and protection of human rights, and makes continuous efforts to foster a culture of full respect for all human rights at all levels of government and civil society, within the framework of ever-greater consolidation of our democracy. As the Special Rapporteur herself acknowledges, the Government of Mexico has in recent years adopted a number of important measures in fundamental areas to improve the human rights situation;

(b) The fight against impunity is one of the priorities of the Mexican Government. As part of the programme to combat impunity, CNDH has issued a series of recommendations which have led to the impeachment and punishment of public officials who have violated human rights, without heed to administrative rank or economic and social status. In 1999 alone, 113 public officials, 13 at the federal level and 100 at the state level, were sanctioned in accordance with CNDH recommendations;

(c) The Mexican Government has demonstrated its clear willingness to strengthen the non-jurisdictional human rights system, as shown by the amendment and addition to article 102, section B of the Constitution, which grants full autonomy to CNDH. In accordance with its new autonomous status, this body will submit an independent annual report;

(d) In Mexico, there is no policy of harassment of human rights defenders. The Mexican Government reiterates its condemnation of any act that harms the well-being of persons dedicated to the cause of human rights. Any threat of this sort that is reported to domestic agencies is investigated immediately. With regard to defenders, Mexico has legal mechanisms to provide prompt precautionary measures for people who receive threats or are attacked, and it will continue to respond promptly to any harassment of these people. Likewise, relations between the Government and organizations from civil society seeking speedy and direct channels of communication have been improved;

(e) It is a sign of the political and democratic openness of Mexican society and of the Mexican Government's policy of full cooperation with the international human rights bodies that a searching debate on human rights is taking place nationwide. This explains why many of the Special Rapporteur's recommendations were already on the national agenda even before her mission to Mexico.

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 23 February 2000 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights

I have the honour to transit annexed herewith* an appeal to the peoples of the world, States, parliaments and international organizations by the inhabitants of the town of Khojaly on the occasion of the eighth anniversary of the genocide in Khojaly.

I would be grateful if you could circulate the present letter and the above-mentioned appeal as an official document of the fifty-sixth session of the Commission on Human Rights under item 9 of the provisional agenda.

(Signed) Isfandiyar VAHABZADA
Ambassador
Permanent Representative

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* The annex is reproduced as received, in English only.

Annex

APPEAL

from the inhabitants of the district of Khojaly to the peoples of the world, States, parliaments and international organizations

To the human tragedies of Khatyn, Hiroshima, Nagasaki and Song My, reckoned as the most monstrous events of the twentieth century, was added on 26 February 1992 the Khojaly genocide.

On the night of 25 to 26 February 1992 the armed forces of Armenia, with the active participation of the 366th regiment of the former USSR, at that time stationed in the town of Hankendi in Nagorno-Karabakh, took by storm the town of Khojaly, whose population totalled 7,000 inhabitants. For the previous four months the town had been invested on all sides by the armed forces of Armenia, so that the population were experiencing major difficulties in obtaining medical supplies and food. There were in the town many sick, wounded and elderly persons, as well as women and children.

On that night frenzied Armenian bandits with the support of foreign mercenaries razed the town of Khojaly to the ground. With the help of the extensive heavy military equipment resources of the 366th regiment the town was completely demolished and burnt. No pity was shown to the peaceful civilian population - children, women, old people and the sick were bestially slaughtered. At the end of the twentieth century the Armenians perpetrated in the face of all mankind the next historical crime - the Khojaly genocide. The aim of the brutal butchers was the total annihilation of the town's population. By a lucky chance, however, many of Khojaly's inhabitants survived to bear witness to the event.

As in previous years we, witnesses left alive by a miracle at the time of the Khojaly genocide, are appealing with high hopes to all the progressive forces of mankind and to the competent international organizations in order to draw once again to the attention of the international community the importance of a political and legal assessment of this historic crime.

In the genocide perpetrated by the Armenians against the Azerbaijani people 613 persons were killed and 1,275 peaceful inhabitants taken hostage. The fate of 150 persons remains unknown to this day. In the course of the tragedy 487 peaceful inhabitants were more

or less severely maimed. Among those killed were 106 women and 83 young children. The maimed included 76 children not yet of age.

As a result of this war crime 6 families were completely wiped out, 26 children lost both parents, and 130 children one of their parents. Of those who perished, 56 persons were killed with especial cruelty: by burning alive, scalping, beheading, gouging out of eyes, and bayoneting of pregnant women in the abdomen.

These inhuman acts were committed in the face of all mankind at the end of the twentieth century by a people that claims to be "cultured" and "wronged".

The policy of unfounded territorial claims and ethnic cleansing conducted by Armenia against Azerbaijan did not end with the Khojaly genocide. Supported and instigated by their advocates from abroad, they have occupied 20 per cent of the territory of Azerbaijan and expelled over a million Azerbaijanis from their immemorial historical lands.

We refugees from Khojaly have already now for the past eight years been appealing to all peace-loving, international organizations. We appeal to you with aching hearts but also with high hopes. We implore you not to show lack of concern and indifference towards the sufferings and grief visited upon us as a result of Armenia's armed aggression. We do not believe that the competent international organizations and powerful peace-loving States cannot compel aggressive State – Armenia, throw down a challenge to the international community, to respect law and order.

It is our hope that the world community will condemn Armenia's armed aggression against Azerbaijan, express from the standpoint of the rules of international law its categorical and unequivocal opinion regarding Russia's supplying modern weapons of mass destruction to Armenia, and assist in the restoration of the territorial integrity of Azerbaijan and the return of over a million refugees to their own homes.

The President of the Azerbaijani Republic, G.A. Aliyev, consistently declares at all international events and meetings that Azerbaijan advocates peaceful settlement of problems. We believe that the world community and the international organizations will take effective measures for the realization of the noble intentions of the President of Azerbaijan and the triumph of just peace in the region.

The people of Khojaly, who have lived through one of the most nightmarish tragedies of the twentieth century, call upon the peoples of the world to unite in the struggle for peace and tranquillity. We looking

anxiously towards all the international organizations and to peace-loving, responsible States, appeal for a mobilization of efforts to put an end to wars and begin striving for a happy community of humankind in which there would be no war, development would progress and well-being would flourish.

Baku, 3 February 2000

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

RIGHTS OF THE CHILD

Note verbale dated 3 February 2000 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit to it herewith* a study on the adverse effects of the embargo on children and women in Iraq.

The Permanent Mission of the Republic of Iraq would be grateful to the Office of the High Commissioner for Human Rights if it would kindly consider this study as an official document of the fifty-sixth session of the Commission on Human Rights.

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* The annex is reproduced as received, in the language of submission and in English.

Annex

Study on the effects of the embargo on children and women in Iraq, submitted to the fifty-sixth session of the Commission on Human Rights, Geneva, 20 March - 28 April 2000

Introduction

On the occasion of the fifty-sixth session of the Commission on Human Rights, the first session in the new century in which it was hoped that the peoples of the world would reap the fruits of their long and bitter struggle in the field of human rights which began, 52 years ago, with the proclamation of the Universal Declaration of Human Rights, an instrument designed to promote freedom, justice and equality, eliminate poverty and ensure a secure and stable life, the present situation unfortunately confirms that the lofty principles and values advocated in that Declaration and in subsequent covenants and conventions have been disregarded and are not being applied. Human rights are still being violated in various ways in some parts of the world and the gap between the wealthy minority and the indigent majority has widened. It is extraordinary that this wealthy minority, which constitutes no more than one-fifth of mankind but nevertheless controls and consumes more than 80 per cent of the natural resources of our planet, speaks of human rights and freedoms, which it loudly claims to be defending.

The poverty, exploitation and pillage of the resources of peoples from which the world is currently suffering and which lead to the death of about 140,000 persons every day are attributable to the arbitrary practices of the dominant minority. Under the currently prevailing, economic, political and cultural standards, which are based on the hegemony of the strong over the weak, States and peoples are viewed from differing standpoints based on political, economic and cultural interests and the overwhelming majority is suffering from biased preconceptions imposed by the minority.

The lofty principles of human rights have been politicized and turned into a sword of Damocles suspended over the heads of peoples instead of being an ideal and commendable means to help peoples to exercise their natural right to live in freedom, security and prosperity.

Although it may be unjust to deny the diligent and sincere endeavours that the international community has made to formulate rules and principles designed to ensure the well-being of mankind and establish peaceful societies enjoying prosperity and stability and

respecting human rights, we see these rights being violated on a daily basis in various parts of the world through selective and biased practices and arbitrary interpretation and application in furtherance of narrow-minded and selfish interests.

The peoples of the world, having built their hopes on the prospect of reaping the fruits of those diligent endeavours to promote human rights and eliminate oppression and injustice, have been greatly disappointed at the gross violations that are being committed without any justification.

During the last 10 years, i.e. since the beginning of the comprehensive embargo that was imposed on the Iraqi people in 1990, the Government of Iraq has endeavoured to draw attention to the tragic consequences of the embargo, the large numbers of children, women and elderly persons who have fallen victim thereto, and its devastating effects on the lives of all sections of Iraqi society. The aim of this condensed study is to acquaint observers of the situation in Iraq with some of the tragic facts concerning only two sections of society, namely women and children.

The rights of the child

When Iraq acceded to the Convention on the Rights of the Child in 1994, its population was estimated at 20 million persons, of whom 51.4 per cent were children under 18 years of age. Of the total population, about 15.53 per cent were in the age group 0-4 years, about 13.48 per cent in the age group 5-9 years, about 12.9 per cent in the age group 10-14 years and about 9.34 per cent in the age group 15-18 years. In other words, the age group 0-9 years, which requires health and nutritional care, constitutes 29.19 per cent of the population of Iraq and 56.73 per cent of its total child population, which is the category in direst need of enjoyment of the right to survival as recognized in the Convention on the Rights of the Child. The age group 10-18 years which needs to enjoy the right to growth, education, development and effective participation in society, constitutes 22.24 per cent of the total population and 43.24 per cent of the child population.

These figures in themselves indicate not only the vital future importance of the implementation of the Convention on the Rights of the Child in Iraq but also the extent of the heavy constitutional and humanitarian responsibility towards the children of Iraq, since the fate of this category will affect the future of Iraq and its coming generations, which the Government of Iraq is endeavouring to safeguard, as a matter of principle, in view of the importance that it attaches to children.

In fact, special concern is shown for children in Iraq, as illustrated by the priority accorded to them in the development programmes for the education, health care and social welfare sectors. Iraq was one of the few developing countries to make education compulsory at the primary stage and free of charge at all academic levels. Iraq was also one of the few countries of the world to achieve a considerable reduction in infant mortality which dropped from 72 per thousand live births in 1984 to 25 per thousand live births in 1990. This was achieved by significantly expanding and developing health services in general and maternal and child care services and immunization programmes in particular (vaccination coverage against diseases exceeded 90 per cent in 1990). The Government of Iraq was providing health care for 90 per cent of its infants and children under five years of age, as well as obstetric services by trained health personnel for 80 per cent of expectant mothers. Ninety per cent of children under one year of age were protected from diseases through vaccination and 71 per cent of all cases of diarrhoea were treated (the annual incident of diarrhoea among children under five years of age declined to 3.8 per cent in 1990). Ninety per cent of the population enjoyed access to pure drinking water and 78 per cent enjoyed sanitation services, as a result of which life expectancy in the country rose to 65 years for males and 67 years for females.

These achievements, which reflected the Iraqi Government's strong determination and willingness to make available the material and human resources needed to safeguard economic, social and cultural rights, have suffered a serious setback, and many of them have been virtually nullified, over the last 10 years due to the comprehensive embargo which has been imposed on Iraq since 1990 and which has caused the death of more than half a million children, thereby violating the most important human right recognized in article 3 of the Universal Declaration of Human Rights ("Everyone has the right to life, liberty and security of person") and in article 12 of the International Covenant on Economic, Social and Cultural Rights ("The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health").

The following statistical tables illustrate the health situation in Iraq in 1999.

Total number of deaths (attributed to selected causes) due to the economic embargo, by chronological period and age group

Chronological period	Age group		Total
	Under 5 yrs	Over 5 yrs	
1989	7 110	20 224	27 334
1990	8 903	23 561	32 464
1991	27 473	58 469	85 942
1992	46 933	76 530	123 463
1993	49 762	78 261	128 023
1994	52 905	80 776	133 681
1995	55 823	82 961	138 784
1996	56 997	83 284	140 281
1997	58 845	85 942	144 787
1998	71 279	88 760	160 039
1999 (Jan-Nov.)	73 572	89 865	163 437
Total	502 492	748 409	1 250 901

The total number of deaths in both age groups during the period August-December 1990 (the beginning of the economic embargo) amounted to 12,727.

The selected causes were:

Under five years

1. Acute respiratory disorders
2. Diarrhoea and intestinal disorders
3. Malnutrition

Over five years

1. Heart diseases
2. High blood pressure
3. Diabetes
4. Kidney diseases
5. Liver diseases
6. Malignant tumours

Infant mortality rate = 108 per 1 000 live births

Maternal mortality rate = 296 per 10,000 live births

Compiled by the Health and Vital Statistics Division

Mortality (attributed to selected causes) in the under-5-years age group due to the economic embargo

Chronological period		Monthly mortality rate
1989		593
1990		742
1991		2 289
1992		3 911
1993		4 147
1994		4 409
1995		4 651
1996		4 750
1997		4 904
1998		5 940
1999	January	7 533
	February	6 300
	March	5 555
	April	4 585
	May	5 809
	June	7 245
	July	8 794
	August	7 758
	September	6 695
	October	6 227
	November	7 071

Mortality (attributed to selected causes) in the over-5-years age group due to the economic embargo

Chronological period		Monthly mortality rate
1989		1 685
1990		1 963
1991		4 872
1992		6 377
1993		6 522
1994		6 731
1995		6 913
1996		6 940
1997		7 162
1998		7 397
1999	January	8 038
	February	7 642
	March	8 755
	April	8 928
	May	9 198
	June	7 677
	July	6 566
	August	7 253
	September	8 207
	October	9 320
	November	8 281

Compiled by the Health and Vital Statistics Division.

Incidence of low birth weight (< 2.5 kg) as recorded at health institutions during the period of the economic embargo

Chronological period		Monthly average (%)
1990		4.5
1991		10.8
1992		17.6
1993		19.7
1994		21.1
1995		22.05
1996		22.6
1997		23.02
1998		23.81
1999	January	25.2
	February	23.5
	March	23.8
	April	24.7
	May	24.8
	June	23.81
	July	24.9
	August	23.77
	September	24.4
	October	21.6
	November	24.2

Compiled by the Health and Vital Statistics Division

According to a UNICEF report published in July 1999, the mortality rate among children under five years of age rose from 56 per 1,000 live births during the period 1984-1989 to 131 per 1,000 during the period 1994-1999 and the mortality rate among children over five years of age likewise rose from 47 per 1,000 live births during the period 1984 to 1989 to 108 per 1,000 during the period 1994-1999.

A report of the International Committee of the Red Cross entitled "Iraq - a decade of sanctions" indicated that, for the first time during the decade, diarrhoea had once again become the most lethal disease affecting children in Iraq and, for the first time, Iraqi physicians were facing the diseases of the third World, consisting in cholera, malnutrition and smallpox. The report also noted the deteriorating situation in regard to health, sanitation systems and drinking water supplies, as well as the deteriorating situation in Iraqi hospitals due to the non-availability of the resources needed to maintain them, as a result of which the standard of their services had declined. At the same time, there was also a lack of the resources needed to provide appropriate treatment for patients as a result of which, in most cases, the patient died. In the educational sector, during the last two decades the Government of Iraq had made tremendous endeavours to improve the educational standard of its citizens in keeping with its national obligations and in fulfilment of its commitments under the terms of human rights instruments. In accordance with article 26 of the Universal Declaration of Human Rights and article 13 of the International Covenant on Economic, Social and Cultural Rights, everyone has a right to education, which should be directed to the full development of the human personality and the sense of its dignity in order to enable all persons to participate effectively in a free society.

However, the manner in which the rights of the Iraqi people, and particularly their children, are being violated is incompatible with the letter and spirit of those international principles. In fact, the iniquitous embargo has had a severe impact on the educational sector, which is suffering from a dire shortage of academic requisites such as books, stationery and

buildings, as a result of which many students have dropped out of school. The number of drop-outs at the primary, intermediate and secondary levels in the academic year 1998/99 is shown in the following table:

Level	Males	Females	Total
Primary	37 136	33 049	70 185
Intermediate	19 572	18 035	37 607
Secondary	1 301	4 445	5 746

According to the UNESCO report for 1997, about one quarter of the children entitled to enrol for primary education were not attending school. The UNESCO report for 1998 expressed concern at the increasing number of school drop-outs due to the worsening economic situation of their families, which forced them to seek gainful employment in marginal jobs in order to increase their family's income.

Women's rights

The rights of women and the elimination of all forms of discrimination against them are undoubtedly among the top-priority objectives of the international community and form an integral part of its activities which, in turn, have helped to elaborate the rules for the protection of women and the promotion of their full participation, on an equal footing, in political, civil, economic, social and cultural life at the national and international levels.

Accordingly, the Government of Iraq has given special attention to the question of women and their enjoyment of their rights. Their emancipation was not solely a question of moral principle; it was a cultural and economic requirement for the implementation of the socio-economic development programmes. The State has endeavoured to remove all the obstacles impeding the advancement of women by creating conditions under which men and women enjoy equal rights and by allowing full scope for the advancement of women in such a way as to safeguard all their rights and meet all the requirements for socio-economic progress.

In this connection, it should be noted that women constitute half of Iraqi society since, according to the last population census, they formed 50.3 per cent of the total population of 22 million persons. From this, we can conclude that any attempt to marginalize the role, or

perpetuate the disadvantaged status, of this important part of society would inevitably be detrimental to the social development process, which necessitates the mobilization and optimum use of all human resources.

Consequently, the elimination of discrimination against women was accorded high priority in the political programmes of the State, which took all the measures needed to improve the situation of women in Iraq. These measures culminated in the State's ratification of the Convention on the Elimination of All Forms of Discrimination against Women under the terms of Act No. 66 of 1986.

In spite of the unfavourable circumstances resulting from the ongoing embargo which has impeded implementation of that Convention, the State diligently formulated a National Strategy for the Advancement of Women in the light of the Nairobi Forward-looking Strategies for the Advancement of Women and the Beijing Declaration and Platform of Action and formed a Higher National Committee to formulate policies and establish mechanisms for their implementation at the official and popular levels. It also formed numerous specialized committees to improve the situation and promote the advancement of women.

In this context, there is a need to highlight the extent of the progress achieved prior to the embargo when the high standards attained exceeded all those in the developing countries, and to review the legislative enactments that were designed to bring about a radical change in the roles of women, to intensify their self-awareness and to emphasize their role as a basic element in the socio-cultural development process.

The Iraqi legislation which is currently in force and the provisions of which are derived from the magnanimous Islamic Shari'a and the human cultural heritage, guarantees the economic rights of women. Article 19 of the Iraqi Constitution forms a basis for social equality, in its broad sense, between the sexes. The Labour Act No. 71 of 1987 recognizes the right of women to work and make financial investments on an equal footing with men. In addition, under the terms of the Pensions and Social Security Act No. 36 of 1971, women enjoy important rights, including paid maternity leave and pension entitlements.

In the field of family relations, the Personal Status Act No. 188 of 1959, as amended, guarantees special rights, such as the obligation to conclude marriage contracts in a court of law and the right to petition for separation or divorce, and prohibits polygamy except in cases in which it is authorized by a court. The Act also defines women's rights in regard to inheritance. The Social Welfare Act No. 126 of 1980 also places women on an equal footing with men

insofar as they can be regarded as heads of households and are entitled to social welfare benefits. In the field of maternal and child welfare, Act No. 94 of 1977 made provision for privileges and entitlements for women which ensure the well-being of expectant mothers and enable them to take proper care of their children.

Iraq has also promulgated a number of important enactments which guarantee the right of women to education, such as the Free Education Decree No. 102 of 1974 under which education became free of charge for both sexes and compulsory at the primary stage. In addition, Iraq had an effective programme for the eradication of illiteracy which targeted women in particular. As a result of that national campaign, for which Iraq was awarded a UNESCO prize, the illiteracy rate declined from 62.48 per cent in 1977 to 25.2 per cent in 1978. The Eradication of Illiteracy Act made education compulsory for illiterate persons of both sexes in the 15-45 age group.

With regard to the right of women to political participation, the National Assembly Act No. 55 of 1980 and the Legislative Assembly of the Autonomous Region of Kurdistan Act No. 56 of 1980 recognized the right of women to vote and stand as candidates in elections. Women currently hold 17 seats in the National Assembly and have the right to join political parties, professional associations and mass federations.

With regard to the elimination of violence against women and measures to protect them, within the framework of the family and society, from any physical or psychological abuse, the State has taken effective measures to combat this phenomenon. The Personal Status Act contains important provisions designed to put an end to violence against women by prescribing penalties for anyone who forces a woman to conclude a contract of marriage which, in such a case, is declared null and void, and by stipulating that acts of violence constitute grounds for legal separation of the spouses. Act No. 8 of 1988 prohibits prostitution. In this connection, it is noteworthy that Iraq acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others on 22 December 1955.

With regard to broader participation by women in occupational and professional activities, it should be noted that women already hold senior posts. At the administrative level, 2,450 women occupy senior posts and a further 380 have been trained to hold such posts. In 1998, 1,093 women were nominated for posts carrying a high degree of responsibility and the proportional participation of women in other occupational sectors was as follows: 13 per cent in the agricultural sector, 8 per cent in the industrial sector and 79 per cent in the services sectors.

Accordingly, the various enactments and procedural regulations referred to in this study have consolidated the principle of gender equality by seeking to protect the rights of women, enhance their self-image and promote a positive social attitude towards them. On the whole, these enactments and regulations are an expression of the broad strategy of change to which the State is committed.

After this brief presentation of the Iraqi legislative enactments which guarantee the rights of women in such a way as to enhance their dignity and affirm their value and their human role in social development, we must draw attention to the fact that much of the developmental progress achieved by women in the occupational and socio-economic spheres is being severely threatened by the ongoing embargo which has been imposed on Iraq for 10 years and which has had catastrophic consequences on all vital facilities and all categories of the people, particularly women and children. In fact, the embargo has caused material damage and daily human suffering which are placing a heavy psychological, physical and social burden on women due to the shortage of food and medicine and the deteriorating standard of living of families, and particularly of women, the effects of which will continue to be felt by future generations. Hence, we can say that Iraqi women have been deprived of the effective enjoyment of all of their most fundamental rights recognized in international conventions, and particularly their inherent right to life.

The economic sanctions imposed on Iraq have unquestionably affected many aspects of life and pose a threat to human rights, particularly the primary and most important right to life, which is certainly incompatible with the International Bill of Human Rights since article 3 of the Universal Declaration of Human Rights stipulates that "Everyone has the right to life, liberty and security of person" and article 12 of the International Covenant on Economic, Social and Cultural Rights stipulates that "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health".

In this context, the harm caused to women by the ongoing embargo should be highlighted as follows:

Everyone is aware that the deterioration in the public health situation in Iraq, combined with the worsening living conditions due to the ongoing sanctions, has had a particularly adverse effect on women of childbearing age, expectant mothers and children who form more than two-thirds of the total population and constitute the category that is most vulnerable to environmental, nutritional, economic and psychological circumstances.

Although Iraq's health system was one of the most progressive and efficient in the region, after 1990 its ability to respond in an adequate manner to the diseases and epidemics that became rampant among the population, and particularly among women and children, declined due to the deteriorating health situation in the hospitals and a large number of citizens have died from diseases that were easily treatable before the embargo. The most recent survey conducted by UNICEF, in collaboration with the Iraqi health authorities, indicated that the current maternal mortality rate amounted to 294 per 10,000 live births due to the deterioration in the health services and the increasing problems encountered in the care of emergency cases.

By 1999, the decline in the number of surgical and obstetric operations performed on women amounted to 70 per cent and the decline in the numbers of other major surgical operations and laboratory tests amounted to 50 per cent and 54 per cent respectively.

The acute shortage of food, medicine and other vital requisites has affected the situation of women by leaving them exposed to chronic malnutrition which, at Baghdad alone, affected 42 per cent of the population in the 20-25 age group and 42 per cent of female children in the 10-14 age group. The analysis of the situation of women and children in Iraq which was conducted by UNICEF in 1999 indicated that the incidence of anaemia among pregnant women was increasing and amounted to 60 per cent among women of childbearing age which, in turn, had led to an increase in the percentage of newborn children weighing less than 2.5 kg. The incidence of thyroid gland diseases and premature births was also increasing. Studies and surveys conducted by international humanitarian organizations have also shown that the incidence of viral hepatitis among mothers and children is eight times higher than before the embargo. Although cholera had been eradicated many years ago, it had reappeared following the United States-NATO aggression and 1,217 cases had been reported, with a large death toll among mothers and children. According to Ministry of Health reports, there has been a fivefold increase in the incidence of tuberculosis among women in hospitals, where the number of recorded cases rose from 234 in 1992 to 1,030 in 1996.

The economic pressures and the collapse of the social infrastructure caused by the embargo have also led to a considerable increase in the number of illegal abortions and acts of social violence and have undermined family relations.

It is noteworthy that the environmental pollution caused by the Coalition forces' use of highly destructive depleted uranium munitions has led to the appearance of serious diseases and medical problems, such as miscarriages, tumours, breast cancer, leukaemia and congenital

deformities. According to a study conducted by the Ministry of Health, 3,894 cases of cancer among Iraqi women were reported in 1998 and the proportion of congenital deformities in females was more than 58 per cent higher than among males.

Far from being confined to the physical aspect, the embargo has also had a psychological and social impact on Iraqi women who, due to the deteriorating situation, the economic pressures and the shortage of financial resources, have become vulnerable to psychological disorders such as anxiety, depression and nervous tension. The studies and surveys that have been conducted in this connection indicate that 57 per cent of Iraqi women are suffering from those diseases and medical problems. According to a Harvard University report, 73 per cent of Iraqi women are suffering from psychological traumas.

Women have also been forced to abandon their careers because of the constantly rising cost of living and the inadequacy of their salaries and to devote all their time to the daily increasing burdens of housework. This will have serious repercussions on the future of women and the country's development process.

In this connection, a survey conducted by UNICEF in 1999 noted a collapse of social and cultural institutions as a result of the sanctions and the deterioration in basic services, which had led to a large increase in the number of families supported by females and mothers, as well as an increasingly widespread phenomenon of street children and beggars which would ultimately disrupt family relations and undermine social cohesion. According to the statistics, the number of divorces was increasing and the number of marriages was declining due to the lack of financial resources. In 1998, there were 25,652 divorces and 136,149 marriages, as compared with 174,691 marriages in 1988.

The educational sector has suffered from the same deterioration and decline as the other sectors due to the embargo. The damage caused to educational institutions has rendered them incapable of playing their role and improving the standard of education, even though the educational system in Iraq had been comparable to those in the developed countries. In fact, the abnormal circumstances brought about by the embargo have led to a large number of female drop-outs at all stages of education. The number of female drop-outs in the academic year 1998/99 was as follows:

Stage	Males	Females	Total
Primary	37 136	33 049	70 185
Intermediate	19 572	18 035	37 607
Secondary	1 301	4 445	5 746

The number of primary and secondary schoolteachers who abandoned their careers in the academic year 1998/99 was as follows:

Stage	Males	Females	Total
Primary	2 897	7 174	10 071
Intermediate and secondary	2 065	3 313	5 371

Women's enjoyment of their political rights has also suffered as a result of the embargo since their participation in political life has declined due to the increasing economic pressures on their families and their absorption in daily domestic tasks does not leave them sufficient time to engage in political activity. This is illustrated by the fact that the number of women participating in sessions of the National Assembly amounted to 17 in 1996, i.e. 6.8 per cent of the total membership, as compared with 33 (13.2 per cent) in 1985. The unfavourable economic situation after 1990 has also impeded effective implementation of the Convention on the Elimination of all Forms of Discrimination against Women, particularly as the State's main concern under the present circumstances is to provide food and medicine, which take priority over measures to eliminate discrimination against women.

Finally, at the beginning of the third millennium, we wish to remind the world that, although the International Bill of Human Rights, heralded by the Universal Declaration of Human Rights, embodied the lofty hopes and aspirations of mankind for a life of security, peace and stability free from the spectre of wars, famine, poverty and disease, the Iraqi people are being subjected to an unjust and interminable embargo which has harmed all sections of society. Women are among the victims of this embargo, designed to destroy a country which was the cradle of human civilization by depriving it of its means of livelihood and prosperity and undermining its human and economic capacities.

Accordingly, Iraq is being subjected to the most odious and historically unprecedented crime of systematic genocide, which is incompatible with all the past and present values and laws adopted by human society and constitutes a violation of all the principles on which international human rights instruments and conventions are based.

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Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 22 February 2000 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit to it herewith* an in-depth study on the effect of the economic embargo on various aspects of health in Iraq.

The Permanent Mission of the Republic of Iraq would be grateful to the Office of the High Commissioner for Human Rights if it would kindly consider this study as an official document of the fifty-sixth session of the Commission on Human Rights and have it distributed as such under item 9 of the provisional agenda.

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* The annex is reproduced as received, in the language of submission and in English.

Annexe

The impact of the embargo on various aspects of health in Iraq

First of all, we must review the damage caused by the armed military aggression against Iraq in 1991, during which the use of various prohibited weapons, such as depleted uranium, destroyed the infrastructure of the health services. Damage was suffered by 561 health institutions representing 66.1 per cent of the total number of such institutions, including 88 hospitals (71 per cent of the total number of hospitals in the country) in 22 of which sophisticated medical equipment had been installed. Damage was also suffered by 473 primary health-care centres (48 per cent of the total). All of this had an inevitable impact on health services, which were partially or totally disrupted.

In addition to the military aggression, the embargo which was imposed in 1990 and is still continuing has caused further damage as illustrated by the following:

Preventive care

1. The nutritional situation

The surveys conducted in 1990 showed that, of the total number of children weighed at birth, the proportion weighing less than 2.5 kg amounted to no more than 4.5 per cent. During and after 1991, this proportion began to increase, rising to 24.04 per cent by 1999. Likewise, by 1999, the average monthly incidence of malnutrition and emaciation was, respectively, 63.19 and 53.58 times higher than in 1990.

An in-depth survey of the content of the food ration cards also showed that they met less than half of the child's protein and calorie requirements and about 10-17 per cent of the child's iron requirements.

2. Mortality

In spite of the diligent endeavours that the Ministry of Health is making to curb the increase in mortality, it has unfortunately continued to rise at significant rates. A field study conducted by a team from Harvard University at the beginning of the second half of 1991

showed that the mortality rate among infants under 1 year of age amounted to 92.7 per 1,000 live births and the corresponding rate among children under 5 years of age amounted to 128.2 per 1,000 live births. The perinatal maternal mortality rate had likewise risen to 117 per 10,000 live births. Since 1991, there has been a further proportional increase in these rates, as shown by the survey of child and maternal mortality conducted in 1999 which indicated that the mortality rate among infants under 1 year of age amounted to 107.9 per 1,000 live births, the mortality rate among children under 5 years of age amounted to 130.6 per 1,000 live births and the perinatal maternal mortality rate amounted to 294 per 10,000 live births. The principal causes of death were acute respiratory infections, diarrhoea, enteritis and malnutrition.

3. Morbidity

During the period prior to the embargo, Iraq had succeeded in curbing and controlling the spread of contagious and immunoresponsive diseases such as poliomyelitis, diphtheria, whooping cough, tetanus and measles. However, following the imposition of the embargo and the deterioration in health and environmental conditions, there was a significant increase in the incidence of these diseases. For example, although no cases of cholera or scabies were reported in 1989, in 1999 the incidence of these diseases amounted to 2,398 and 35,343 cases respectively. The same applies to other diseases such as typhoid, dysentery and viral hepatitis, the incidence of which is, respectively, 13, 31 and 6.5 times higher than in 1989. The incidence of pneumonia among children under 5 years of age rose from 20.89 per 1,000 in 1990 to 45.64 per 1,000 in 1999 and, during the same period, the incidence of diarrhoea among children under 5 years of age likewise rose from 308.09 per 1,000 persons in this age group in 1990 to 308,770 reported cases in 1999 and the rate of hospital admissions, for all causes and in all age groups, declined from 69.43 per 1,000 of the population to 63.9 in 1999.

Therapeutic care

1 Medicines and medical requisites

Iraq was one of the few countries that used to meet its citizens' needs for medicines and medical requisites at extremely low prices compared with those prevailing in other countries of the region. However, following the imposition of the embargo, the situation in regard to medicines and medical requisites deteriorated, as illustrated by the fact that the proposed annual appropriations in 1990 amounted to $326,016,342 with a total actual expenditure of $198,993,135 (i.e. 61 per cent), as compared with 1999 when the proposed annual appropriations amounted to $1,141,401,817 with a total actual expenditure of $8,475,205 (i.e. only 1 per cent).

This situation was further aggravated by the considerable decline in the processing and production of medicines by the State Organization for the Production of Pharmaceuticals at Samarra due to the lack of raw materials and spare parts for the machines in its production facilities. All this has caused considerable suffering to the Iraqi people, in addition to the extensive damage inflicted on the pharmaceutical warehouses as a result of the military aggression. The extensive powers vested in the 661 (Sanctions) Committee have created serious obstacles that have led to the suspension of contracts for medicines, medical appliances and spare parts to a total value of $40,632,152 during phase VI.

2. Major surgical operations

From 1989 to 1999, the proportion of major surgical operations declined by 70.6 per cent due to the non-availability of anaesthetics and other requisites such as surgical ligatures, dressings, appliances and equipment. The same applies to laboratory tests since, due to the non-availability of laboratory diagnostic materials, damage to existing equipment and the impossibility of servicing and maintaining it more than once because of the lack of spare parts, the average monthly number of laboratory tests declined from 515,506 in 1989 to 149,050 in 1999, i.e. a decline of 65.4 per cent.

The environment

The deterioration in the environmental situation in Iraq as a result of the imposition of the embargo is illustrated by the following:

1. Deterioration in the situation of drinking water supply networks.

2. Decline in the quality of the water.

3. Deterioration in the situation of sewage treatment plants and breakdown of waste water pumping stations, as a result of which this water overflows in some residential areas.

4. Decline in garbage collection rates, as a result of which refuse accumulates in most residential districts. In fact, the garbage collection capacity has declined by more than 75 per cent due to the shortage of appropriate vehicles or the lack of spare parts therefor.

5. Suspension of work on service projects, including more than 60 afforestation, drainage and road construction projects.

6. Air pollution due to the higher quantities and concentrations of pollutant emissions from private vehicles and other means of transport in view of the advanced age of their engines and the decline in the quality of the fuel and lubricants used.

7. Suspension of projects to expand green areas, increase plant cover and combat desertification.

8. Acute shortage of the appliances and other requisites needed for environmental control operations to check pollution levels and the concentrations of pollutants.

9. Increased industrial pollution due to the bombardment or the breakdown of control facilities and suspension of the implementation of industrial pollution control projects.

10. Environmental damage resulting from the use of prohibited weapons (depleted uranium) during the aggression against Iraq, which led to the appearance of many previously unknown fungi and agricultural diseases such as curvature of the neck of palm trees, as well as deterioration in the services to combat agricultural blights and the spread of weevils, especially in parts of central and southern Iraq, the death of many birds, increased numbers of ticks in many animals and notable changes in the physiology of plants.

Harm caused by the use of depleted uranium to human life in Iraq

After the iniquitous bombardment and the use of depleted uranium in the aggression against Iraq in 1991, there was a notable increase in morbidity and mortality rates and many health problems have appeared, the most serious of which are as follows:

1. A survey conducted in 1997 showed that the incidence of cancer was 1.7 times higher than in 1989, with leukaemia constituting 15.6 per cent of the cases in all age groups. In the under-15 age groups, the incidence of cancer has increased by 42.9 per cent and the incidence of lymphatic cancer and trachoma by 17.2 per cent and 16.5 per cent respectively.

2. The incidence of congenital abnormalities is 1.8 times higher than in 1989.

3. The incidence of infertility has risen from 477 cases in 1989 to 869 cases in 1997, in addition to cases of teratospermia.

4. An increase in the incidence of eye disease (cataracts) from 14,215 cases in 1989 to 25,560 in 1997.

5. An increase in the incidence of thyroid gland disorders from 123 cases in 1989 to 216 cases in 1997.

6. An increase in the incidence of renal failure from 5,199 cases in 1989 to 10,165 cases in 1997.

7. Depending on the period of latency, some of the diseases and phenomena caused by exposure to depleted uranium may not appear before the year 2005, 2025 or 2040.

Interruption of the development plan

The embargo has affected the current budget of the Ministry of Health in the following manner:

1. In 1990, a total of 290,850,000 Iraqi dinars were budgeted to cover the costs of health services for the population, who numbered 17,890,400 in that year, at a time when the dollar exchange rate in local markets was approximately 4 dinars.

2. In 1999, a total of 12,387,997,000 dinars were budgeted for the same purpose at a time when the population had increased to 22,989,200 persons and the dollar exchange rate on local markets had risen to approximately 1,920 dinars.

3. From the above, it is evident that the per capita share of the 1990 budget amounted to $8.25 per year, as compared with $0.27 in 1999.

The impact of the embargo on the investment process

1. In accordance with the Five-Year Plan, the amounts appropriated for the development of health institutions in all parts of the country amounted to 95 million dinars in 1990.

2. Due to the embargo, those projects have not yet been implemented. If their implementation had continued in a normal smooth manner, they would have been completed on schedule. The embargo has also affected the future plans of the Ministry of Health since, if those projects were to be implemented now, their estimated costs would be more than $46 billion at the present dollar exchange rate in the local market.

3. In addition, the embargo has affected the maintenance and repair of medical equipment and other requisites for medical services, the repair of which would now cost more than $5 billion.